



May 2018

Summary of H.R. 3053

THE NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2018

Committee on Energy and Commerce, Democratic Staff

H.R. 3053, the Nuclear Waste Policy Amendments Act of 2018, amends the Nuclear Waste Policy Act of 1982 to make several changes to the Department of Energy's (DOE's) ability to manage our nation's nuclear waste. The 1982 law, and subsequent amendments, have been unsuccessful in developing a storage or disposal solution for spent nuclear fuel from U.S. nuclear power plants.

Increased Nuclear Plant Shutdowns Are Creating a Need to Act: There are currently 99 operating nuclear power reactors in the U.S. Since 2013, five reactors have ceased operations and several more plants have announced plans to close in the coming years. The increased rate of nuclear plant closures is bringing additional urgency to the importance of developing a solution to store spent nuclear fuel that is currently being stored at nuclear facilities across the country that have either been or will soon be shut down. Many communities are increasingly facing the reality that the nuclear waste currently sitting in dry casks and spent fuel pools at these sites will be stored there indefinitely, absent a workable national solution. In fiscal year 2017, the U.S. Treasury spent \$700 million of taxpayer money in legal costs due to the federal government missing its obligation to begin taking title to nuclear waste in 1999.

A Responsible Path Forward for Interim Storage: H.R. 3053 allows the Secretary of Energy to enter into an agreement to establish an interim storage "pilot program" to store spent nuclear fuel from shutdown reactors across the country. This pilot program can move forward directly after enactment and is not linked to whether the Nuclear Regulatory Commission (NRC) has issued a decision on a permanent repository (e.g. the pending license application for the Yucca Mountain site). Storage of nuclear waste from shutdown reactors will receive priority at the initial interim storage site.

Additional Provisions Relating to the Yucca Mountain Site: Section 202 of the reported bill allows for amendments to any approved construction authorization license for any nuclear waste repository to be considered using expedited and informal procedures at NRC. This section also requires any other federal agency considering the environmental impact of infrastructure activities at the Yucca Mountain site to adopt, to the extent practicable, the environmental impact statement prepared by DOE.

Other Provisions: The bill includes language banning sub-seabed and ocean disposal of spent nuclear fuel (current law still allows research into this method), as well as a provision opposing nuclear waste storage near the Great Lakes. The bill also fixes the way nuclear waste storage and disposal is financed by protecting the billions of dollars ratepayers have paid into the Nuclear Waste Fund and barring additional fees from being collected until NRC makes a final decision on a repository license.

Summary: H.R. 3053 passed out of the Energy and Commerce Committee by a vote of 49-4. It is a balanced step in the right direction that will benefit ratepayers, taxpayers and those living near nuclear facilities housing nuclear waste by providing a pathway for interim storage of nuclear waste to move forward upon enactment of the bill.